

REMARKS/ARGUMENTS

Status of the Claims

Prior to entry of this Amendment, the application included claims 9-15 and 19-38. Claims 1-8 and 16-18 were previously cancelled. Claims 9-15 and 19-38 were rejected in the Office Action mailed March 2, 2010. Claims 9, 19, 23, 26, and 36 have been amended. No claims have been added. Claims 22, 25, 34, and 35 have been cancelled. Therefore, claims 9-15, 19-21, 23, 24, 26-33, and 36-38 are present for examination. Claims 9 and 19 are independent claims. Applicants respectfully request reconsideration of this application as amended.

Claims 23 and 36 have been amended to depend from claim 9 because claims 22 and 35, from which claims 23 and 36 depended respectively, were cancelled. Similarly, claim 26 has been amended to depend from claim 19 because claim 25, from which claim 26 depended, was cancelled. Claims 9 and 19 have been amended to expedite prosecution. Support for these amendments can be found throughout the specification and specifically at Figs. 19A, 19B, 20A and 22 and the accompanying description in paragraphs [0152]-[0157], [0158], [0159]-[0163], and [0170]-[0173] respectively.

Claim Objections

Claim 35 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 33. Claim 35 has been cancelled rendering the claim objection moot.

Rejections Under 35 U.S.C. § 103

Claims 9-15 and 19-38 are rejected under 35 USC § 103(a) as being unpatentable over Youden in view of Inoue et al.

Claim 9

Applicant submits that the combination of Youden and Inoue fails to teach or suggest all the recitations of claim 9. Specifically, claim 9 recites:

“each time the start time for one of the signals occurs, determining if any of a first segment of each of the plurality of programs of the one of the

signals are not already stored at the user location; [and] recording ... any first segment of each of the plurality of programs that are not already stored at the user location[.]”

(emphasis added). Applicant cannot find anywhere in the cited references that teaches or suggests this recitation. The cited portions of Youden describe pre-stripping the most popular films (e.g. the first five minutes of the 200 most popular films) to one or more disc arrays to minimize the delay time in transcribing video data from the archival system. *Youden*, col. 10, lines 46-54. Youden also describes that the list of pre-stripped programs may be changed occasionally. *Id.* at lines 60-61. But pre-stripping the most popular programs and occasionally changing the programs that are pre-stripped is different than the recitations of claim 9. For example, the most popular programs are often the newest programs available (e.g. new video releases or new television programs) while the programs provided by remote providers (e.g. programs offered on cable, satellite, etc.) may include any variety of new and old programs, which may or may not be the most popular programs at the time. The recitations of claim 9 do not differentiate between programs based on popularity. In contrast, claim 9 describes determining if any of a first segment of each of a plurality of programs are not already stored at the user location **each time** the start time for one of the signals occurs, and recording any first segment of each of the plurality of programs that are not already stored at the user location. Thus, regardless of popularity, a first segment of any of the plurality of programs will be recorded each time a signal's start time occurs if the first segment is not already recorded at the user location.

Inoue does not cure Youden's deficiency. The cited portions of Inoue describe that the first segment of a video program may be pre-stored in the buffer memory apparatus and that the first segment may be automatically recorded at a predetermined time. *Inoue*, col. 8, lines 35-51. Automatically recording first segments at a predetermined time, however, is different than the recitations of claim 9 because the predetermined time language does not teach or suggest recording a first segment each time a signal's start time occurs nor does it teach or suggest determining if any first segment is not already stored and recording any first segment not already stored. The recitations of claim 9 allow for dynamic updating of stored first segments

based on a review of the plurality of programs being sent and the first segments already stored whereas Inoue does not.

If Youden were combined with Inoue the result would be that the most popular programs could be pre-stripped automatically at a predetermined time, which is different than the recitations of claim 9. For at least this reason, Applicant submits that claim 9 is allowable over Youden in view of Inoue and respectfully requests withdrawal of the rejection of this claim.

Claim 19

Applicant submits that the combination of Youden and Inoue fails to teach or suggest all the recitations of claim 19. Specifically, claim 19 recites:

“each time a start time occurs, recording at the user location a first segment of all of the plurality of programs associated with that start time before any user request for the program[.]”

(emphasis added). As mentioned above, Youden describes pre-stripping the most popular programs. Youden does not teach or suggest recording a first segment of all of the plurality of programs each time a start time occurs. For reasons similar to those discussed above, content providers may provide programs that are not the most popular programs available. Unlike Youden, the recitation of claim 19 does not differentiate based on a programs popularity. Thus, on its own, Youden fails to teach or suggest all the recitations of claim 19.

Furthermore, Inoue does not teach or suggest recording a first segment of all of the plurality of programs each time a start time occurs. As discussed above, Inoue describes that the first segment of a program may be pre-stored automatically at a predetermined time. Automatically recording first segments at a predetermined time, however, is different than recording all first segments each time a start time occurs. Recording first segments at a predetermined time means that the segments are recorded according to a schedule (e.g. first segments are recorded once a week or once a month). Inoue does not contemplate recording the first segments each time a start time occurs as is shown in col. 8, lines 38-42, which is the portion of Inoue that describes pre-recording first segments. That portion of Inoue describes that while the pre-recorded first segment is shown after a user selects a program, the receiver scans the channels carrying the program for the remaining segment.

In contrast, as described in claim 19, because the first segments are recorded each time a start time occurs, scanning the channels carrying the program for the remaining segment after a user selects a program is not needed because the channel providing the first segment can continue to be recorded. In other words, because the first segment is being recorded when the user selects a program, recording may continue directly from the first segment to the second segment as described in paragraph [0155] of the present application. For at least this reason, Applicant submits that claim 19 is allowable over Youden in view of Inoue and respectfully requests withdrawal of the rejection of this claim.

Claims 10-15, 20, 21, 23, 24, 26-33, and 36-38

Claims 10-15, 20, 21, 23, 24, 26-33, and 36-38 each depend, either directly or indirectly, from one of independent claims 9 or 19 and are therefore believed to be allowable over Youden in view of Inoue at least because of their dependence on allowable base claims. Therefore, withdrawal of the rejection of these claims is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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